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for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LARRY WARSHAW AND CAROL WARSHAW  
AS TRUSTEES FOR CAROL ANN  
ENTERPRISES, INC. PENSION PLAN, SAJUST,  
LLC, and MARK D. WEINBERG,

Defendants.

Adv. Pro. No. \_\_\_\_\_

**NOTICE OF APPLICATION FOR ENFORCEMENT OF AUTOMATIC STAY AND  
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; the Declaration of Jonathan B. New, declared under penalty of perjury on February 23, 2012; the Affidavit of Matthew Cohen, sworn to on February 23, 2012; the complaint by the Trustee dated February 23, 2012 (the “Complaint”); and upon all prior pleadings and proceedings herein; the undersigned, counsel to plaintiff Irving H. Picard, as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff, hereby applies to this Court to: (a) enforce the December 15, 2008 stay order and related orders (the “Stay Orders”) of the United States District Court for the Southern District of New York and the automatic stay in this proceeding; (b) declare that the competing actions brought by (i) Larry Warshaw and Carol Warshaw as trustees for Carol Ann Enterprises, Inc. Pension Plan and Sajust, LLC (the “Warshaw Plaintiffs”); and (ii) Mark D. Weinberg (“Weinberg” and together with the Warshaw Plaintiffs, the “Third Party Plaintiffs”), filed in the Supreme Court of the State of New York (collectively, the “Third Party Actions”) against Mendelow, who, together with related entities and individuals (collectively with Mendelow, the “Mendelow Defendants”), is named in an action commenced by the Trustee, *Picard v. Mendelow*, Adv. Pro. No. 10-04283 (BRL) (Bankr. S.D.N.Y., filed November 24, 2010) (the “Trustee’s Mendelow Action”), violate the Stay Orders and the automatic stay and are void *ab initio* as against Mendelow; and (c) preliminarily enjoin the Third Party Plaintiffs from litigating the Third Party Actions, as against Mendelow, or any other actions as against the Mendelow Defendants, pending the completion of the Trustee’s Mendelow Action.

This matter has been scheduled to be heard before the Honorable Burton R. Lifland, United States Bankruptcy Judge, on March 22, 2012 at 10:00 a.m. (EST), or as soon thereafter as

counsel may be heard, at the United States Courthouse, One Bowling Green, Courtroom 623,  
New York, New York 10004.<sup>1</sup>

Dated: New York, New York  
February 23, 2012

/s/ Keith Murphy  
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LLC and Bernard L. Madoff*

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<sup>1</sup> Counsel for the Trustee, Mendelow and the Warshaw Plaintiffs have previously agreed to a briefing schedule and to the March 22, 2012 hearing date. The Trustee has been advised that counsel for Weinberg has also been made aware of this schedule.